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 INSURANCE LLC; DIGITAL INSURANCE  
 11 AGENCY LLC,; DIGITAL INSURANCE  
 HOLDINGS, LLC; and ONE DIGITAL  
 12

13 UNITED STATES DISTRICT COURT

14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 MARSH & MCLENNAN AGENCY, LLC, a  
 Delaware limited liability company

17 Plaintiff,

18 v.

19 TEROS ADVISORS, LLC a California limited  
 liability company; RESOURCES  
 20 INVESTMENT ADVISORS, LLC, a Missouri  
 limited liability company; DIGITAL  
 21 INSURANCE LLC; a Delaware limited  
 liability company; DIGITAL INSURANCE  
 22 AGENCY LLC, a Delaware limited liability  
 company; DIGITAL INSURANCE  
 23 HOLDINGS, LLC, a Delaware limited liability  
 company; and ONE DIGITAL,

24 Defendants.  
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Civil Action No. 4:20-cv-02679-HSG

STIPULATION REGARDING  
 SEVERANCE AND STAY, AND  
 ORDER (**as modified**)

FRCP 21 AND 42

Date: N/A  
 Time: N/A  
 Judge: Haywood S. Gilliam, Jr.  
 Courtroom: 2 (4<sup>th</sup> Fl.)

Trial Date: April 25, 2022  
 Complaint Filed: April 17, 2020

Pursuant to the Court's instructions during the September 30, 2021 case management conference, as further ordered by the Court's minute entry (Dkt. 115), Defendants Resources Investment Advisors, LLC, Digital Insurance LLC, Digital Insurance Agency LLC, Digital Insurance Holding, LLC, and "One Digital" (collectively, "Alleged Successor Defendants"), Defendant Teros Advisors, LLC ("Teros") and Plaintiff Marsh & McLennan Agency, LLC ("Plaintiff"), stipulate and agree as follows:

1. Plaintiff's claims against the Alleged Successor Defendants shall be severed and stayed pending the resolution of Plaintiff's claims against Teros. Fed. R. Civ. P. 21.

2. The October 14, 2021 hearing set for the Motion to Dismiss (Dkt. 88), and Motion to Stay Discovery (Dkt. 103) is adjourned, without prejudice to being renoticed in the future.

3. All discovery with respect to the Alleged Successor Defendants, including initial disclosures and discovery requests received from Plaintiff (including discovery served on Teros), is stayed pending the resolution of Plaintiff's claims against Teros.

4. The Amended Scheduling Order, dated July 20, 2021 (Dkt. 80) is vacated, with the sole exceptions of the Pretrial Conference and Jury Trial dates, which shall remain unchanged.

5. In the event that a trial proceeds against Teros and Plaintiff obtains a judgment, which is not satisfied by Teros, Plaintiff's claims against the Alleged Successor Defendants may be set for a separate trial, including entry of a new scheduling order specific to those claims. Fed. R. Civ. P. 42.

#### **IT IS SO STIPULATED**

Pursuant to Northern District of California's Local Rule 5-1(i)(3), I attest that the concurrence in the filing of the document has been obtained from each of the other Signatories.

Dated: October 7, 2021

s/ Eric A. Larson

ERIC A. LARSON

MORRIS, MANNING & MARTIN, LLP

Attorneys for Defendants Resources Investment Advisors, LLC, Digital Insurance LLC, Digital Insurance Agency LLC, Digital Insurance Holdings, LLC, and One Digital

1 Dated: October 7, 2021

s/ Benjamin A. Emmert  
BENJAMIN A. EMMERT  
LITTLER MENDELSON, P.C.  
Attorneys for Plaintiff/Counter Defendant  
MARSH & MCLENNAN AGENCY, LLC

2  
3  
4 Dated: October 7, 2021

s/ Lawrence Hecimovich  
LAWRENCE HECIMOVICH  
MOUND COTTON WOLLAN &  
GREENGRASS, LLC  
Attorneys for Defendant/Counter Claimant  
TEROS ADVISORS, LLC

ORDER

The Parties' Stipulation is GRANTED, except that paragraph four, which states "The Amended Scheduling Order, dated July 20, 2021 (Dkt. 80) is vacated, with the sole exceptions of the Pretrial Conference and Jury Trial dates, which shall remain unchanged," is not granted. The entire Amended Scheduling Order remains in force as entered.

IT IS SO ORDERED.

DATE: 10/12/2021

BY: 

Hon. Haywood S. Gilliam, Jr.  
U.S. District Court Judge